

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

AMADA MAITE MORTON,

Plaintiff,

v.

RAYMUNDO ARTIME VARGAS
CISNEROS and ELLIS A. FONSECA,

Defendant.

Civil Action No. 1:23-cv-1726 (PTG/LRV)

ORDER

This matter comes before the Court on the January 8, 2025 Report and Recommendation (“R&R”) from Magistrate Judge Lindsey Robinson Vaala regarding Plaintiff’s Motion for Default Judgment (Dkt. 33). Dkt. 41. Judge Vaala advised the parties that objections to the R&R must be filed within fourteen (14) days of service and failure to object waives appellate review. Dkt. 41 at 17. To date, no objections have been filed.

After reviewing the record and Judge Vaala’s Recommendation, and finding good cause, the Court hereby **APPROVES** and **ADOPTS** the findings Judge Vaala set forth in the R&R (Dkt. 16).¹ Accordingly, it is hereby

ORDERED that Plaintiff’s Motion for Default Judgment (Dkt. 41) is **GRANTED**; it is further

ORDERED that Plaintiff’s Motion for Default Judgment as to Defendant Reymundo Artime Vargas Cisneros (Dkt. 25) is **DENIED** as moot; it is further

¹ The Court notes two minor corrections to the R&R (Dkt. 41). First, in footnote thirteen (13), the R&R cites Dkt. 36-2 when it should cite Dkt. 36-1 instead. Second, in footnote seventeen (17), the amount of TANF benefits for October 2022 was \$100, not \$200. However, the erroneous \$200-value was not used in the calculation of damages—the correct \$100-value was used. Thus, this typographical error does not affect the total number of damages.

ORDERED that default judgment be **ENTERED** in favor of Plaintiff and against Defendants, jointly and severally, in the amount of \$26,418.00; it is further

ORDERED that each year, Plaintiff shall certify in writing to Defendants her total income, including means-tested public benefits, received in the prior calendar year; it is further

ORDERED that within 15 days of receiving such certification, Defendants shall provide to Plaintiff payment equal to the difference between the reported sum and 125 percent of the federal poverty line for a household of one in the lower 48 states, as such guidelines are in effect for year where payment is calculated. Such annual payments shall continue until Plaintiff (1) becomes a U.S. citizen; (2) works or receives credit for 40 qualifying quarters of coverage under the Social Security Act; (3) loses her status as a lawful permanent resident and departs the United States; (4) becomes the subject of a new affidavit of support; or (5) dies; it is further

ORDERED that Plaintiff provide Defendants written notice that their Affidavits of Support obligations have ended if she (1) becomes a U.S. citizen; (2) works or receives credit for 40 qualifying quarters of coverage under the Social Security Act; (3) loses her status as a lawful permanent resident and departs the United States; (4) becomes the subject of a new affidavit of support, or (5) dies; and it is further

ORDERED that upon Plaintiff's filing of a motion, affidavit, and supporting documentation for reasonable attorneys' fees and costs, Plaintiff shall be awarded reasonable attorneys' fees and costs in accordance with 8 U.S.C. § 1183a(c), in amounts to be determined by the Court.


The Clerk of Court is directed to enter judgment in favor of Plaintiff, and against Defendants, as set forth above, pursuant to Federal Rule of Civil Procedure 55. The Clerk is

further directed to forward a copy of this Order to all parties of record.

It is **SO ORDERED**.

To appeal this decision, Defendants must file a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry of this Order. A notice of appeal is a short statement indicating a desire to appeal, including the date of the order Defendants want to appeal. Defendants need not explain the grounds for appeal until so directed by the court of appeals. Failure to file a timely notice of appeal waives Defendants' right to appeal this decision.

Entered this 14th day of March, 2025
Alexandria, VA



Patricia Tolliver Giles
United States District Judge